

BDCP Effects Analysis Review: Regulatory Overview

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REGULATORY FRAMEWORK

- Effects analysis must satisfy
 - Federal ESA (Section 10 and 7)
 - State NCCP Act
- BDCP effects analysis will support
 - Federal NEPA analysis
 - State CEQA analysis

- ESA Section 10
 - Must determine **expected levels of “take”** of covered activities
 - Must determine effects of taking and beneficial effects of conservation strategy (**net effects**)
 - Used to determine whether taking will appreciably reduce the likelihood of survival and recovery (**jeopardy standard**)
 - Used to determine whether conservation strategy is **minimizing and mitigating to the maximum extent practicable**

- ESA Section 7
 - Address needs of:
 - Bureau of Reclamation (CVP)
 - USFWS and NMFS (internal consultation)
 - Must determine effect of Federal action, including direct, indirect, cumulative effects
 - Jeopardy standard also applies
 - Must evaluate effects on designated critical habitat

- Must support CDFG findings for NCCP permit
 - “Conservation” of each covered species (contribute to species recovery)
 - Many other findings, e.g.:
 - Maintain ecological integrity
 - Maintain ecosystem function
 - Preserve biological diversity
 - Sustainable populations of covered species
 - Similar jeopardy standard to ESA

QUESTIONS FOR SCIENCE PANEL

- Are methods used and proposed appropriate for the goals of the analysis?
- Are reasonable assumptions used?
- Are results interpreted correctly?
 - Have we adequately considered uncertainty or method limitations?
- Are conclusions justified?
 - Logical? Properly cited?